

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C.

ORIGINAL

In the Matter of	)	
	)	
Revision of the Commission's Rules	)	CC Docket No. 94-102
To Ensure Compatibility With Enhanced	)	RM-8143
Emergency Calling Systems	)	

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Chief, Wireless Telecommunications Bureau

**PETITION FOR WAIVER**

Pursuant to Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, and the Wireless Telecommunications Bureau's November 13, 1998 "Order," in the above-captioned proceeding, DA 98-2323 (the "November 13 Order"), Price Communications Wireless, Inc., and its subsidiaries listed on Attachment A hereto (collectively, "PCW") hereby request waiver of Section 20.18(c) of the Commission's Rules, 47 C.F.R. § 20.18(c), in connection with the transmission of 911 calls made from TTY devices using digital wireless systems.<sup>1</sup> In support whereof, the following is shown.

**A. Background**

The Commission's December 13, 1997 "Memorandum Opinion and Order" in this proceeding suspended enforcement of Section 20.18(c) until October 1, 1998.<sup>2</sup> The Wireless Telecommunications Bureau subsequently extended the compliance date to November 15, 1998<sup>3</sup>

<sup>1</sup> PCW, through the subsidiaries listed on Attachment A, holds cellular telephone licenses in approximately 20 markets.

<sup>2</sup> See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, 12 FCC Rcd. 22665 (1997).

<sup>3</sup> See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 (footnote continued on next page)

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and in the November 13 Order, the Bureau further extended the deadline to January 1, 1999.<sup>4</sup> In the November 13 Order, the Bureau also established procedures and provided guidance for carriers who seek waiver of the Section 20.18(c) requirements beyond January 1, 1999. PCW files the instant Petition for Waiver pursuant to those procedures.<sup>5</sup>

After reviewing its ability to meet the December 31, 1998 deadline for allowing the transmission of 911 calls made from TTY devices using digital wireless systems, PCW has determined that it must request a waiver due to the unavailability of equipment that would enable PCW to comply with Section 20.18(c) of the Rules.

The Commission has long been aware that TTY compatibility over digital networks would be extremely difficult to achieve. Even in the "First Report and Order" adopting Section 20.18(c) of the Rules, the Commission recognized the considerable technical obstacles that existed to TTY digital wireless access, explaining the "coordination among many parties" that would be a precondition to such access, as well as need for a "common data standard under which wireless and wireline providers can deliver TTY data to the PSAP."<sup>6</sup> The issues that have delayed implementation of TTY over digital networks not only were anticipated by the Commission but were also brought to the Commission's attention by participants to that

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Emergency Calling Systems, DA 98-1982 (Wireless Telecommunications Bur., released September 30, 1998) (the "September 30 Order").

<sup>4</sup> See November 13 Order.

<sup>5</sup> Although the November 13 Order directed carriers seeking such waivers to file their requests by December 4, 1998, PCW was unable to comply with that deadline. Accordingly, PCW respectfully requests that the Commission accept the instant petition nunc pro tunc.

<sup>6</sup> Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, 11 FCC Rcd. 18676, 18700-01 (1996). See also "Reconsideration Order," 12 FCC Rcd. 22665, 22695 (1997).

proceeding.<sup>7</sup> Accordingly, the numerous waiver petitions that wireless carriers have filed in this proceeding should come as no surprise to the Commission.

PCW has complied and will continue to comply with the Commission's Rules concerning the provision of TTY service over any analog portions of its system. Moreover, as soon as compliance with the rules concerning compliance on digital systems is technically feasible, PCW intends to adopt and implement industry standards developed that will facilitate the ability of persons with speech and hearing disabilities to make full use of the 911 system over digital wireless facilities. However, the nature of this issue -- i.e., one that affects all digital wireless communications operators as well as the manufacturers that provide equipment to those operators -- is such that PCW alone is unable to implement TTY/digital wireless E911 without the cooperation and efforts of all industry players. In that regard, PCW supports the efforts being undertaken by parties throughout the wireless telecommunications industry to develop voice-based and data-based solutions to the problems associated with successfully transmitting TTY calls over digital wireless systems.

As of this time, however, no equipment is available that will enable PCW to achieve the result required by Section 20.18(c). Absent the development, testing, and commercial availability of such equipment, PCW is unable to comply with this rule. PCW therefore requests waiver of Section 20.18(c) until such time as its vendors can develop the equipment needed to allow its compliance.

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<sup>7</sup> See e.g., "Petition for Reconsideration," Telecommunications Industry Association, filed September 3, 1996.

## **B. Waiver Showing Under November 13 Order**

1. Efforts to Afford TTY Users Capability to Use Devices with Digital Systems. As noted above, PCW currently provides TTY access over any analog portions of its system. As to PCW's digital facilities, PCW intends to provide notice to its customers that: (1) TTY devices cannot be used over those facilities and (2) PCW will notify its customers as soon as such access is available. In the meantime and until such access is fully available, PCW will seek to ensure that its customers using TTY devices have alternatives, such as access to analog facilities, that will ensure their ability to access the E911 network when needed.

As discussed above, PCW notes that numerous organizations are working to develop industry-wide TTY solutions. These efforts have involved equipment suppliers to the wireless industry, trade associations that represent the interests of parties in the wireless communications industry, and numerous industry technology groups. The work of these organizations will affect PCW's ability to comply with Section 20.18(c), since PCW's compliance is dependent on the availability of equipment and software from its vendors.

Moreover, PCW has contacted each of its equipment and software vendors to assess the availability of technical solutions that will enable full TTY access to PCW's digital cellular systems. These vendors have confirmed that no equipment is currently available that would permit PCW's compliance with Section 20.18(c) and have committed to working with industry groups to devise solutions that will permit full TTY access to PCW's digital wireless E911 facilities.

2. Timetable for Affording Access to TTY Users. PCW intends to obtain the necessary equipment and upgrade its facilities as soon as reasonably possible after such equipment is available. However, PCW is dependent on the progress made by the industry

groups in general, and by PCW's equipment vendors in particular, for a precise timetable as to when a solution to the TTY/E911 problem will be available. PCW continues to work with its vendors to obtain this information and, if granted the requested waiver, will provide the Commission with information as to when equipment is expected to become available and a precise date when compliance will be achieved. PCW expects that after the wireless industry groups adopt standards for digital TTY operation, the equipment needed to implement those standards will not be commercially available to PCW until at least 12 to 18 months after that date. PCW intends to act promptly after that time to add necessary equipment to its network, and to offer necessary equipment to consumers, that will allow full compliance with Section 20.18(c) of the Rules.

3. Efforts to Address Consumer Concerns. As an initial matter, PCW notes that while it endeavors always to respond to consumer needs and concerns, including those concerns listed in Appendix A of the September 30 Order, the Commission has not imposed those requirements on wireless operators as Rules or technical standards.

Nonetheless, PCW intends to offer to consumers, consistent with industry standards, TTY/E911 connections that comply with the concerns identified in Appendix A of the September 30 Order. However, PCW understands that various voice-based and data-based solutions address the consumer concerns to varying degrees. It appears that the proposals which may work for PCW's network will address most of the consumer concerns, but additional testing remains needed to confirm the extent to which each such concern is addressed. PCW recognizes the value of offering TTY/E911 access as part of its digital wireless service, as required by the Commission's Rules, and will endeavor to fully implement TTY/E911 access not only to further public health and safety, but also as part of its efforts to serve customers' needs.

### **C. Waiver Request**

PCW hereby requests a waiver of Section 20.18(c). The unique circumstances surrounding the transmission of 911 calls using TTY devices on PCW's digital wireless systems warrants the special consideration requested herein. It is technically infeasible for PCW to comply with the FCC's requirements concerning TTY/E911 digital transmissions. Accordingly, requiring compliance is not in the public interest nor in the best interests of PCW's customers.

Grant of the instant waiver request also serves the public interest because the circumstances preventing PCW's compliance with the implementation deadline are beyond PCW's control. Furthermore, such circumstances are industry wide and are not uniquely attributable to PCW's circumstances or efforts in this matter.

Moreover, enforcement of Section 20.18(c) requirements against PCW would threaten the ongoing viability of its wireless services. The waiver requested herein of the Section 20.18(c) obligation to offer TTY/E911 transmissions, will allow PCW to continue to provide the high quality of service that it presently offers to its customers until such time as compliance is possible.

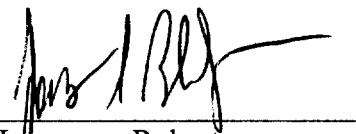
### **D. Conclusion**

For the foregoing reasons, PCW request a waiver of the January 1, 1999 commencement date for transmission of 911 calls made from TTY devices using digital wireless systems. PCW's showing herein is consistent with the requirements for waiver set forth in the Commission's November 13 Order. Moreover, the public interest benefit of granting waiver equals or exceeds that which the Commission has found in other instances to be sufficient for waiver.

WHEREFORE, Price Communications Wireless, Inc., and its subsidiaries listed on Attachment A hereto, respectfully request that the Commission WAIVE the requirements of Section 20.18(c) as requested herein.

Respectfully submitted,

PRICE COMMUNICATIONS WIRELESS, INC.  
and its Subsidiaries listed on Attachment A hereto

By:   
Lawrence Roberts  
James S. Blitz

Davis Wright Tremaine LLP  
1155 Connecticut Avenue, N.W., Suite 700  
Washington, D.C. 20036  
(202) 508-6605

Its Counsel

December 31, 1998

**DECLARATION OF MICHAEL KEY**

I, Michael Key, hereby state as follows:

1. I am CTO of Price Communications Wireless, Inc.
2. I have reviewed the foregoing "Petition for Waiver" and the statements contained therein are true, complete and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 30<sup>th</sup> day of December, 1998.

  
Michael Key



## **ATTACHMENT A**

Price Communications Wireless I, Inc.

Price Communications Wireless II, Inc.

Price Communications Wireless III, Inc.

Price Communications Wireless IV, Inc.

Price Communications Wireless V, Inc.

Price Communications Wireless VI, Inc.

Price Communications Wireless VII, Inc.

Price Communications Wireless VIII, Inc.

Price Communications Wireless IX, Inc.